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Attorneys for Defendant  
DYNAMIC LEDGER SOLUTIONS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

BRUCE MACDONALD, Individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

DYNAMIC LEDGER SOLUTIONS, INC., a  
Delaware corporation, TEZOS STIFTUNG, a  
Swiss foundation, KATHLEEN BREITMAN,  
an individual, ARTHUR BREITMAN, an  
individual, TIMOTHY COOK DRAPER, an  
individual, DRAPER ASSOCIATES,  
JOHANN GEVERS, DIEGO PONZ, GUIDO  
SCHMITZ-KRUMMACHER, BITCOIN  
SUISSE AG, NIKLAS NIKOLAISEN and  
DOES 1-100, INCLUSIVE,

Defendants.

Case No. 3:17-cv-07095-RS

**DECLARATION OF JEFFREY M. KABAN IN  
SUPPORT OF DEFENDANT DYNAMIC  
LEDGER SOLUTIONS, INC.'S OPPOSITION  
TO PLAINTIFF'S EX PARTE APPLICATION  
FOR TEMPORARY RESTRAINING ORDER**

1 I, Jeffrey M. Kaban, declare as follows:

2 1. I am a Partner with the law firm of Cooley LLP, counsel of record for Defendant  
3 Dynamic Ledgers Solutions, Inc., (“DLS”) in the above-captioned matter. I am an attorney licensed  
4 to practice in the State of California and before the District Court for the Northern District of  
5 California.

6 2. This declaration is based on my personal knowledge of matters set forth herein, and, if  
7 called as a witness, I could and would testify competently thereto.

8 3. I submit this declaration in support of Defendant DLS’s Opposition to Plaintiff’s Ex  
9 Parte Application For Temporary Restraining Order.

10 4. Attached hereto as **Exhibit 1** is a true and correct copy of the “Tezos Overview,”  
11 publically available at [https://www.tezos.com/static/papers/Tezos\\_Overview.pdf](https://www.tezos.com/static/papers/Tezos_Overview.pdf).

12 5. Attached hereto as **Exhibit 2** is a true and correct copy of the “Tezos Contribution and  
13 XTZ Allocation Terms and Explanatory Notes,” publically available at  
14 <https://www.tezos.ch/pages/static/Tezos%20Contribution%20Terms.pdf>.

15 6. Attached hereto as **Exhibit 3** is a true and correct copy of “Diversifying the Portfolio  
16 of the Tezos Foundation,” dated July 18, 2017 and publically available at  
17 <https://www.tezos.ch/diversifying-the-portfolio-of-the-tezos-foundation.html>.

18 7. Attached hereto as **Exhibit 4** is a true and correct copy of “August Update,” dated  
19 August 10, 2017 and publically available at <https://www.tezos.ch/august-update.html>.

20 8. Attached hereto as **Exhibit 5** is a true and correct copy of a press release issued by  
21 Block & Leviton LLP, entitled “Tezos ICO Investigated for Securities Fraud,” dated October 20,  
22 2017 and publically available at <http://blockesq.com/case/?case=tezos&c=3>.

23 9. Attached hereto as **Exhibit 6** is a true and correct copy of “Statement concerning the  
24 Tezos Crowd Contribution and the Tezos Foundation,” dated November 13, 2017 and publically  
25 available at <https://www.bitcoinsuisse.ch/tezos-statement/>.

26 10. Attached hereto as **Exhibit 7** is a true and correct copy of a press release issued by  
27 Hagens Berman Sobol Shapiro LLP, entitled “Hagens Berman Investigates Tezos (XTZ) Initial Coin  
28 Offering (ICO) and Notifies Participants of Class Actions,” dated November 21, 2017 and publically

1 available at <https://globenewswire.com/news-release/2017/11/21/1198134/0/en/Hagens-Berman->  
2 Investigates-Tezos-XTZ-Initial-Coin-Offering-ICO-and-Notifies-Participants-of-Class-  
3 Actions.html

4 11. Attached hereto as **Exhibit 8** is a true and correct copy of "Community Statement,"  
5 publically available at <http://www.tezos.help/community-statement.html>.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing  
7 is true and correct. This declaration is executed on the 15<sup>th</sup> day of December, 2017, in Palo Alto,  
8 California.

9  
10 Dated: December 15, 2017

COOLEY LLP

11  
12 /s/ Jeffrey M. Kaban  
13 Jeffrey M. Kaban

14  
15  
16 **FILER'S ATTESTATION**

17 Pursuant to Civil Local Rule 5-1(i)(3), regarding signatures, Patrick E. Gibbs hereby attests  
18 that concurrence in the filing of this document has been obtained from all the signatories above.

19 Dated: December 15, 2017

COOLEY LLP

20  
21 /s/ Patrick E. Gibbs  
22 Patrick E. Gibbs